

RECEIVED IN PRO SE OFFICE

SEP 14 2022

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SAUL SABINO,

Plaintiff,

- against -

James Ogle, et al.,

Defendants. 20-cv-5861(EK)(JRC)

Notice Of Motion  
In Opposition To  
Defendant's Motion  
To Dismiss Pursuant To  
Rule 12(b)(1) & (6) of  
Fed.R.Civ.Proc.

To Honorable Eric R. Kovite, United States District Court Judge

I Saul Sabino affirm under Penalty of Perjury that:

1. I, Saul Sabino am the Plaintiff in the above entitled action and respectfully submit this Affirmation in Opposition To Defendant's Motion To Dismiss pursuant to Rule 12(b)(1) and (6), dated August 10th, 2022 and received by Plaintiff on August 18th, 2022.

2. Plaintiff kindly "OBJECTS" to Defendant James Ogle's "ENTIRE" Motion To Dismiss since it's redundant and made in bad faith by Defendant James Ogle's who has made the "same" claim(s) for Motion To Dismiss on November 18, 2021 (see Court Docket Entry 16) and Defendant James Ogle's claim(s) To Dismiss were well opposed by The Plaintiff on November 24, 2021 (see Court Docket Entry 17).

3. This Court on February 09th, 2022 held a "Telephone Pre-Motion Conference" (see D.E. 18) where Defendant James Ogle's Prior Attorney on the record Mr. David T. Cheng [Assistant Atty. Gen.] had "Conceded" to most of Plaintiff's U.S. Constitutional Violations and place "blame & liability" on Defendant City of New York who has "fail to submit" a responsive Pleading or defend. Defendant James Ogle's New Attorney [Mr. Andrew Blancato] was properly not informed.

4. Defendant James Ogle's Motion To Dismiss - Declaration of Andrew Blancato Exhibits were made in bad faith to deceive the Court. For Example of this, see Declaration of Andrew Blancato Exhibit D which is "exempt from any redaction requirement" since the record was "not" subject to redaction when originally filed [with Prior Atty. Mr. David T. Cheng], on -

Notice of Motion In Opposition To Defendant's Motion To Dismiss Pursuant To Rule 12(b)(1) & (6) of Fed. R. Civ. Proc. . 20-CV-5861 (EK) (JAC)

Violation of Rule 5.2(b) of Fed. R. Civ. Proc. for records exemptions from redaction requirement Defendant James Oyle's "Declaration of Andrew Blanka to Exhibit D-New York State Parole Revocation Hearing Notification dated June 19, 2019" (redacted) "only part redacted is the 'identification number' provided by City of New York Department of Correction called a Book and Case [or B&C] number that is directly link to the Person's detention."

In this situation, the reason why Defendant James Oyle "in bad faith" redacted this grave part of evidence called Book and Case (B&C) number # 190-3106 is the Book and Case number "credited 72-days of [illegal-unconstitutional] detention" by Defendant City of New York FOIL release to Plaintiff and "file" with Plaintiff's Amended Complaint dated June 28, 2022 Exhibit A page 2 of 2, this creates a "direct participation" by Defendant James Oyle which he redacted in bad faith to deceive this Court. See attached "unredacted" NY's Parole Revocation Hearing Notification dated 6/19/2019 originally filed by Plaintiff Attorney Mr. David T. Chen G. Exhibit. Defendant James Oyle should be held in contempt.

5. Plaintiff moves this Court to exercise its discretion and hold a "Telephonic Preliminary Hearing" on Defendant James Oyle's defense regarding his Rule 12(b)(1)(6) which Plaintiff entirely objects to each and every claim(s), therefore may this Court order pursuant to Rule 12(c) of Federal Rules of Civil Procedure the above said "Telephonic Preliminary Hearing" or other and further relief as may be just and proper.

I declare under Penalty of Perjury the foregoing is true and correct.

Dated: August 27, 2022

E. Elmhurst, N.Y.

Ps Request for Extension of Time, if No. Rule 12(c) Hearing, to Finish Motion In Opposition

Page 2 of 7

Saul Sabino, Plaintiff  
18-18 Hazen Street  
E. Elmhurst NY 11370

# EXHIBIT A-1

STATE OF NEW YORK - EXECUTIVE DEPARTMENT - DIVISION OF PAROLE

CN: 201906191281  
PAGE 5

TO: NEW YORK CITY DEPARTMENT OF CORRECTIONS  
FROM: PAROLE VIOLATION UNIT  
RE: RESULTS OF PAROLE REVOCATION HEARING

\* \* \* \* \*

HEARING DATE: 06/19/2019  
HEARING LOCATION: RIKERS ISLAND

NAME: SABINO, SAUL  
WARRANT: 0803096  
NYSID: 01052307H  
B & C: 141-19-03106  
PO: HIBBERT, TAMEKA

OUTSIDE DATE: 06/19/19

\* \* \* \* \*  
PLEASE TAKE NOTE THAT THE PRELIMINARY PAROLE REVOCATION HEARING LISTED ABOVE  
HAS RESULTED IN ONE OF THE FOLLOWING:

- ☐ PROBABLE CAUSE FOUND  
☒ PROBABLE CAUSE NOT FOUND; WARRANT LIFTED  
☐ CASE ADJOURNED TO \_\_\_\_\_  
☐ WAIVED HEARING ON RECORD

\* \* \* \* \*

NOTICE TO ATTORNEY OF ADJOURNMENT DATE:

- ☐ HAND DELIVERED ON \_\_\_\_\_  
☐ MAILED ON \_\_\_\_\_

NOTICE TO PAROLEE OF ADJOURNMENT DATE:

- ☐ HAND DELIVERED ON \_\_\_\_\_  
☐ MAILED ON \_\_\_\_\_

\* \* \* \* \*

SIGNATURE: *P.O. #202* TITLE: PO #202  
DATE: 6/19/19

\* \* \* LAST PAGE \* \* \*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SAUL SABINO,  
Plaintiff;

- against -

City of New York,  
et al., Defendants.

Notice of Request To  
Enter Default For  
Defendant City of New York  
Pursuant To Fed.R.Civ.P. 55(a) &  
(b)(1)  
20-CV-5861(EK)(TRC)

To The Clerk of The United States District Court For  
The Eastern District of New York

Saul Sabino Plaintiff humbly requests that the Clerk of this Court enter the default of Defendant City of New York for failure to Plead or otherwise defend in timely manner, as provided by Rule 55(a) & (b)(1) of the Federal Rules of Civil Procedure.

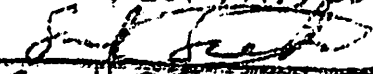
This request is based on the attached Affirmation of - Saul Sabino, which shows:

1. Defendant City of New York was served with Plaintiff's "Amended Complaint" dated June 28, 2022 and Process of service was on July 05, 2022.
2. The Proof of Service filed with this Court on July 05, 2022 establishes that service was proper pursuant to Rule 5 of the Federal Rules of Civil Procedure.
3. City of New York has failed to Plead or otherwise respond to the Plaintiff's "Amended Complaint" dated June 28, 2022.
4. The applicable time limit for responding has expired as of August 10, 2022 Order by Judge Hon. Eric R. Komiter, Defendant was given notice of time limit via electronically mail on June 28, 2022.
5. Defendant City of New York is not an infant or an incompetent Person.
6. Defendant City of New York is not in military service.

Notice of Request To Enter Defendant City of New  
New York Fed. R. Civ. P. 55(a) & (b)(1) 20-cv-5861 (EK/JRC)

7. Plaintiff humbly request a "Default judgment--  
be entered" by the Clerk since damages are  
"sum certain", in accordance with Fed. R. Civ. Proc.  
55(b)(1) and Defendant's failure to file a timely  
Responsive Pleading and defend per Rule 55(a) -  
entities Plaintiff to Default judgment be entered -  
by the Clerk upon Plaintiff request. Thank you.  
Dated: Saturday August 27, 2022.

Respectfully Submitted,

  
Saul Sabino Plaintiff  
16-18 Hazen Street  
E. Elmhurst, NY 11370  
(TD 349-210-1344)

Page 2 of 2.



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SAUL SABINO.

Plaintiff,  
- against -  
City of New York,  
et al.,  
Defendants.

Affirmation In Support of  
Request To Enter Default  
For Defendant City of New  
York Pursuant To  
Fed. R. Civ. P. 55(a) & (b)(1)  
20-CV-5861(EK)(JRC)

Affirmation Of Saul Sabino

I, Saul Sabino, humbly affirm under Penalty  
Of Perjury that:

1. I, Saul Sabino am the Plaintiff in the //  
above entitled action, and respectfully  
move this Court to Enter Default for/on  
Defendant City of New York who fail to file  
a timely responsive Pleading and defend  
Pursuant to Rule 55(a) and (b)(1) of the Federal-  
Rules of Civil Procedure.
2. On July 05, 2022 Plaintiff's Amended-  
Complaint dated June 28, 2022 was  
received by Defendant City of New York,  
therefore, SERVICE was PROPER Pursuant  
to Rule 5 of the Fed. R. Civ. Proc..
3. Defendant City of New York has failed  
to serve and file an answer or reply to  
Plaintiff's Amended Complaint or otherwise  
responded to the Amended Complaint and its claims.
4. Under Honorable Eric R. Komitee, the time-  
limit for responding to Plaintiff's Amended-  
Complaint has EXPIRED, as of August 10<sup>th</sup>, 2022.  
Time for Defendant City of New York has NOT-  
been extended by any stipulation of the-  
Parties or any order of the Court.

Affirmation In Support of Request To Enter  
Default For Defendant City of New York Per -  
Fed. R. Civ. Proc. 55(a) & (b)(1). 20-CV-5861(1:K)(JRC)

5. Defendant City of New York has fail or -  
is not a minor nor incompetent person within  
the meaning of Rule 55(a) of Fed. R. Civ. Proc. -  
because it is a legal entity or municipality  
or and Corporation organized and existing  
under the laws of the State of New York  
with its principal place of business in -  
the City of New York.

6. Defendant City of New York is not in the -  
military service.

7. Plaintiff, humbly prays and request a  
"Default judgment be entered" by the Clerk,  
since "damages" are "sum certain" and in -  
accordance with Rule 55(b)(1) of Fed. R. Civ. Proc., and -  
Defendant City of New York "Failure" to file a -  
timely responsive Pleading and defend it -  
Rule 55(a) entitles Plaintiff to Default Judg -  
ment entered by the Clerk upon Plaintiff's -  
humble request.

WHEREFORE, Plaintiff humbly & respectfully  
request that the Clerk or Court Enter this  
Default for Defendant City of New York for their  
failure and violation of Rule 55(a)(b)(1), or such -  
other and further relief as may be just and -  
proper.



Affirmation In Support of Request To Enter  
Default For Defendant City of New York Per  
Fed. R. Civ. Proc. 55(a) & (b)(1). 20-cv-5861(EK/JRC)

I, Saul Sabino Plaintiff declare under  
Penalty of Perjury that the foregoing is  
true and correct.

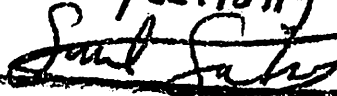
Dated: Saturday August 27th 2022  
East Elmhurst New York

NOTE:  
Copies of this motion was -  
Drop in AMKC Mail box to be -

Mail to via U.S.P.S. on same date -  
as above to:

1. Defendant City of New York  
(Mr. Mostafa Khairy Attorney @ -  
City of NY Law Dept. of Law
2. Defendant James Ogle's Atty.  
NYS Assistant Attorney General -  
Mr. Andrew Bianco to
3. Clerk of Court E.D.N.Y. (original)
4. File .

Respectfully



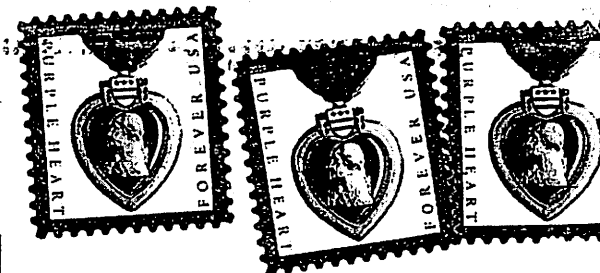
Saul Sabino, Plaintiff  
AMKC NYC DOC

ID# 349-210-1344

18-18 HAZARD, N.Y. 11370  
East Elmhurst, N.Y. 11370

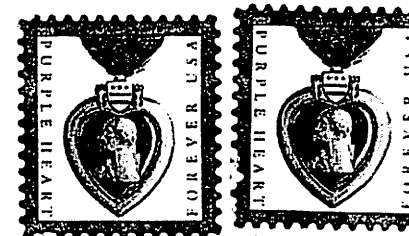
Mr. Saul Sabino E/C #349-210-1344  
A.M.K.C. NYC Dept. of Correction  
18-18 Hazen Street  
East Elmhurst, NY 11370  
Housing Unit Quad Upper 13-24 Cell

JUL 13 2022 1000 0202 7102



Attn.: Clerk of the Court  
Honorable Eric R. Komitee, U.S. District Court Judge  
United States District Court, REastern District N.Y.  
225 Cadman Plaza East  
Brooklyn, New York

11201



FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
SEP 14 2022  
BROOKLYN OFFICE  
URGENT LEGAL MAIL



1000



11201

U.S. POSTAGE PAID  
FCM LETTER  
EAST ELMHURST, NY  
11369  
SEP 09, 22  
AMOUNT

\$5.09

R2306Y152320

-43

